



REPORT OF THE SPECIAL COMMITTEE ON ILLEGAL IMMIGRANT CRIME

CHAIR: Lane Roberts
VICE CHAIR: Aaron McMullen

January 7, 2025

Dean Plocher, Speaker
House of Representatives
State Capitol Building
Jefferson City, MO 65101

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CHIEF CLERK

Dear Mister Speaker:

The House of Representatives' Special Interim Committee on Illegal Immigrant Crimes has met, taken testimony, and concluded its inquiry into the impact of illegal immigration on crime in Missouri. The below listed committee members are pleased to submit the attached report:



Chairman Lane Roberts



Representative Bill Allen



Representative Ben Baker



Representative Cyndi Buchheit-Courtway



Representative Tricia Byrnes



Representative Chris Dinkins



Representative Mike Henderson

Representative Keri Ingle

Representative Jim Murphy



Representative Jim Schulte

Representative Justin Sparks

Vice Chairman Aaron McMullen

Representative Ashley Aune



Representative Hardy Billington



Representative Jamie Burger



Representative David Casteel

Representative Anthony Ealy



Representative Barry Hovis



Representative Michael Johnson



Representative Bill Owen

Representative Mark Sharp

Representative Kemp Strickler

Representative Del Taylor

Representative Lisa Thomas

Representative Emily Weber

Sincerely,

Representative Lane Roberts
Committee Chair

Special Committee on Illegal Immigrant Crime

This committee was formed by Speaker Dean Plocher and announced on June 26, 2024. The committee met six times in various areas of the state to gain a statewide perspective. The committee was made up of 25 members of the House, also from different areas of the state, and included members of both parties.

As Committee Chair my interest was, first and foremost, related to crime. Like a number of others, I believe that crime related to illegal immigration is on the rise, especially within the last few years. Unfortunately, and as expected, there were those who chose to politicize the committee's intent and cast it as an anti-immigration effort. The title of the committee may have contributed to that perception. A great deal of the testimony received focused on defending immigration, rather than the narrower intent of the committee, which was crime related to illegal immigration.

The attached report makes no attempt to draw conclusions. Its intent is to summarize the testimony that the committee received at its six hearings. Testimony that was received on-line, or in written form, is included in the summary.

The report does not make recommendations. However, recommendations and suggestions made by witnesses are provided at the end of the report for informational purposes.

What we knew

Certain facts were known at the outset of the committee's work. Many illegal immigrants are quite literally sponsored by cartels, making them subject to the influence of the cartels. We know this based on interviews with illegal immigrants who were detained. They owed money, creating a relationship with the cartels similar in nature to an indentureship. Many left their families at home. The safety of those families is a tool used by the cartels to influence illegal immigrants. (Most US citizens have little or no real understanding of the level of violence associated with cartel activities.)

We knew that imbedded among the illegal immigrant were some very bad people. We know that because more than seven hundred fifty people who were on the US terrorist watch list have been identified and detained.

What we didn't know

We didn't and don't know how many other bad people may have been among the many who have entered the US illegally because current border policies lack any real vetting process. We didn't and don't know how much crime is perpetrated against illegal immigrants. By its very nature illegal immigration discourages victims from reporting the crimes perpetrated against them. Merely because someone is in the country illegally does not mean that victimizing the person is acceptable.

We didn't and don't know the impact of crime related to illegal immigration in Missouri. Not just the actual crimes, but the collateral impacts on our economy, the demands put on our public safety entities, the effects on medical services, and the general sense of security in our communities. The committee's purpose was to try to answer these questions and to identify potential solutions that Missouri could implement to mitigate the effects of crime related to illegal immigration.

As a side note

The argument that US citizens commit much more crime than illegal immigrants is not necessarily accurate. The committee was influenced by statistics provided by the FBI annual crime reports. Those numbers were always in question as they relate to crime and illegal immigration as that data is not specifically collected and categorized, not to mention that much of the crime is not reported at all. The FBI report indicated that crime in the US declined by 3.5%. However, near the end of the committee's work, in September 2024, the FBI quietly revised their crime data. The revised data indicates that, in fact, crime in the US has risen by 4.1%. A DOJ survey entitled the National Crime Victimization Survey suggests that crime may have increased by more than 29%.

INTRODUCTION

Speaker Dean Plocher created this Special Interim Committee on Illegal Immigrant Crimes. The committee met six times throughout the interim: Jefferson City on July 11, Springfield on July 30, Joplin on July 31, Kansas City on August 13, St. Louis on September 3, and Cape Girardeau on September 25. The committee was chaired by Lane Roberts and Aaron McMullen was vice chair. Other members include Reps. Allen, Aune, Baker, Billington, Buchheit-Courtway, Burger, Byrnes, Casteel, Dinkins, Ealy, Henderson, Hovis, Ingle, M. Johnson, Murphy, Owen, Schulte, Sharp, Sparks, Strickler, D. Taylor, Thomas, and Weber.

There are four types of immigration statuses for those present in the United States: citizen, resident, non-immigrant, and illegal immigrant.¹ A person's status can be changed by going through the proper steps with the appropriate government agency or agencies, as long as the person meets the necessary qualifications for the status change. Citizens are persons who were born in the United States or became naturalized citizens after a certain amount of time as residents in the U.S. Residents are either conditional or permanent. Conditional residents are those who receive a green card through marriage to a U.S. citizen, while permanent residents are immigrants who receive a green card authorizing them to live and work in the U.S. permanently. Non-immigrants are those who are legally living and working in the U.S. on a temporary basis, such as students, tourists, or business visitors. Finally, illegal immigrants are those who overstay a valid temporary visa or enter the U.S. in some way other than through a port of entry. This committee focused its attention on illegal immigration and the resulting effects on our communities. While the committee distinguished between legal and illegal immigration, members and witnesses did discuss the current federal administration changing or relaxing its policies and procedures for asylum seekers, creating a temporary legal status for individuals who would otherwise be in the country illegally.

The following is a summary of the testimony the committee heard in its various hearings as well as what was submitted online, arranged by topic. Some relevant citations have been added.

1. COMMERCIALIZATION OF ILLEGAL IMMIGRATION AND ITS EFFECTS

Over the years, illegal immigration has become commercialized by individuals and organizations seeking to profit off those desperate to enter the United States at any cost. This is due largely to a significant influence by cartels, operating from Mexico and other Latin American countries. The commercialization perpetrated by the cartels, capitalizing on individuals' efforts to come across the border, is essentially the controlling of whether such individuals are successful in their efforts. The cartels are forcing individuals to shell out an exorbitant amount of money to receive help crossing into the United States. Alternatively, many individuals are forced into labor agreements with the cartels if they are not able to pay outright. Robert Watkins,

¹ State Justice Institute Fact Sheet on Immigration Status, <https://www.sji.gov/wp/wp-content/uploads/Immigration-Status-4-1-13.pdf>

Operations Commander for the Cochise County (Arizona) Sheriff's Office, came to testify before the committee to discuss the current situation in Arizona. Commander Watkins shared his experiences and provided relevant data and statistics to the committee. In 2022, Cochise County apprehended 3,049 illegal immigrants and not one of them had the funds to pay for the journey. During the same period, 1,578 individuals were booked into the Cochise County jail for border-related offenses. Of that total, 1,500 were United States citizens, and 78 were foreign-born.² This indicates that there are U.S. citizens who are violating federal law to assist migrants in entering the U.S. illegally. It costs between \$5,000 and \$10,000 for a migrant to reach Phoenix from Cochise County, and that affords the migrants three attempts to cross the border. Coyotes, who are individuals who smuggle migrants across the Mexico-U.S. border and who operate individually or to assist the cartels, are paid approximately \$2,500 to transport one migrant from Cochise County to Phoenix. Because of the migrants' inability to pay, they are often exploited for labor. The migrants are forced to become drug mules and trafficking victims because they are at the mercy of the cartels. Much of the trafficking is organized using cell phones and social media so the legislature in Arizona criminalized the use of wire or electronic communication to commit a felony.³ Under this Arizona statute, law enforcement can obtain, with probable cause, a search warrant to search a cell phone and a social media preservation order.

Several witnesses testified before the committee that the commercialization of illegal immigration has led to a significant amount of fentanyl coming across U.S. borders. The implication is that it comes through the border by migrants crossing into the country illegally. However, one witness testified that most fentanyl comes across the borders at legal checkpoints,⁴ and at least 80% of the convicted traffickers of fentanyl are U.S. citizens.⁵ In 2022, 23.37% of all fentanyl seized in this country was seized in Cochise County, and 44% of all migrants coming across the border illegally were apprehended in Tucson, Arizona, which is in Cochise County. Between March and December of 2022, 601 individuals were victims of felonies resulting from smuggling-related pursuits. These criminal enterprises are involving teenagers in their pursuits as well. In Cochise County, over 100 children under the age of 16 have been arrested for fleeing from law enforcement while engaging in smuggling-related pursuits. The cartels specifically target youth in schools, and the poorer the community, the greater the risk of being targeted.

In Missouri, however, not all counties are seeing violent crimes from their illegal immigrant population, but they are seeing concerns from community members that there will be an increase in crimes related to federal policies, including the effects of the influx of fentanyl. For example, the committee heard testimony from the elected Sheriff of Jefferson County, Dave Marshak, and he testified that the community in Herculaneum was concerned because of the recent busload of immigrants that was nearly dropped off in that community. For at least 10

² It is unclear whether the term "foreign-born" is used here to suggest the individuals were not U.S. citizens.

³ A.R.S. Section 13-3407(A)

⁴ U.S. Customs and Border Protection, Frontline Against Fentanyl, <https://www.cbp.gov/border-security/frontline-against-fentanyl#:~:text=Intercepting%20Drugs%20at%20Ports%20of,vehicles%20driven%20by%20U.S.%20citizens>

⁵ United States Sentencing Commission Quick Facts on Fentanyl, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Fentanyl_FY23.pdf

years, the federal government has transported buses of individuals who have passed initial asylum screenings or those it does not have the resources to detain and has relocated them to various communities.⁶ Citizens are concerned that criminal organizations are bringing human trafficking to our communities, some by smuggling migrants across the border, employing practices commonly used in South American countries. Smuggling is a crime against a border,⁷ while trafficking is a crime against a person. The most common type of human trafficking in the United States is sex trafficking, followed by labor trafficking.⁸ For more information, the State Department releases a “Trafficking in Persons (TIP) Report” annually.⁹ One witness who testified in St. Louis recommended that the committee speak with victim advocate groups to obtain information about where trafficking hubs are.

2. EXPLOITATION AND VICTIMIZATION OF VULNERABLE IMMIGRANT POPULATIONS

In addition to sex trafficking and forced labor, illegal immigrant populations are particularly vulnerable to other forms of exploitation. Not only are migrants often victimized during the trek across the border—sex crimes are so frequent that women receive an emergency contraception pill prior to the trek—they continue to be victimized here, especially because they are fearful of reporting their injuries resulting from crimes committed against them. A common theme throughout much of the testimony heard by the committee was how members of the legislature, primarily the majority party, speak about immigrants, regardless of status. One of the reasons they are being victimized is because they are being targeted as a result of the messaging from the top down in this country. Many witnesses testified that the conversation surrounding immigration needs to change, because it is, in large part, the reason victimized illegal immigrants do not report crimes committed against them. In addition to being wary of law enforcement because of the relationship with law enforcement in their native countries, they are fearful of reporting the crimes committed against them because they feel alienated by the conversation. Witnesses called for the legislature to denounce inflammatory language and argued that everyone has a right to be protected and served, regardless of the language a person speaks or how he or she looks. Profiling a specific group of individuals severs trust between law enforcement and immigrants. The biggest challenge is convincing communities that agencies are there, willing to work with them. When people feel welcomed, they participate.

The committee heard testimony from the Kansas City Police Department that members of the police department do not ask groups of individuals who are being victimized what their citizenship status is, because there is a public interest in individuals trusting law enforcement and calling the police when they need help. The information obtained by police from victims is

⁶ American Immigration Council Fact Sheet on FEMA’s Role in Migrant Assistance, <https://www.americanimmigrationcouncil.org/research/shelter-services-program>

⁷ <https://www.state.gov/humantrafficking-about-human-trafficking/>

⁸ Polaris Analysis of 2021 Data from the National Human Trafficking Hotline, <https://polarisproject.org/wp-content/uploads/2020/07/Polaris-Analysis-of-2021-Data-from-the-National-Human-Trafficking-Hotline.pdf>

⁹ Trafficking in Persons Report for 2023, published by the Department of State. <https://www.state.gov/reports/2023-trafficking-in-persons-report/>

meant to track a victim's case. Law enforcement asking about immigration documentation is a violation of civil law. Members of the Kansas City Police Department make efforts to look and talk like the community members. The department offers its members incentive skill pay, including for foreign languages and sign language. Moreover, officers are trained about the dangers of racial profiling, because there are many community members who have accents and are here legally and are not criminals. The biggest challenges for the department are fiscal challenges as well as the vacancies the department has.

3. ACTIONS OF IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) AND BORDER PATROL

Witnesses also testified regarding the actions of federal law enforcement. Historically, Immigration and Customs Enforcement (ICE) has taken steps to determine whether a person is here legally, but that does not happen anymore because they are completely overwhelmed. Recent changes to federal immigration enforcement may be exacerbating the situation. An asylee—unlike a refugee, whose status has already been legally determined—enters and remains in the United States while his or her claim is still being determined. An individual seeking refugee status in the U.S. does so from outside the U.S., while a person seeking asylum does so from within the U.S.¹⁰ In 2021, the process by which an individual would seek asylum changed, or the federal government ceased adhering to the rules of the process. Starting in 2021, individuals would check in at a port of entry, claim asylum, and be given a summons for a court hearing for a date eight to ten years in the future; until that date, they are released into the country.¹¹ The committee heard from at least one immigration attorney, who explained that one of the reasons for the delay is that the immigration court in Crown City, which covers Missouri and Kansas, has only three immigration judges and a backlog of 48,000 cases. However, the current administration admitted that 85% to 90% of the roughly eight million asylum-seeking migrants would not qualify for asylum, but, because they checked in at a port of entry, they have a type of legal status as they are awaiting their hearing date.

The Department of Homeland Security gives out about 10,000 U-Visas annually, and the process involves a sign-off by law enforcement. U-Visas are visas available to victims of certain qualifying criminal activities who are willing to cooperate with law enforcement. The current wait list for U-Visas is around 12 years. The T-Visa, which is for victims of human trafficking, has never hit its cap of 5,000 visas. To combat human trafficking, the U.S. government has increased the number of nonimmigrant status application approvals and decreased the processing time for the applications.¹²

¹⁰ <https://ohss.dhs.gov/topics/immigration/lawful-permanent-residents/immigrant-classes-admission#refugees-and-asylees>

¹¹ See a fact sheet from the American Immigration Council under the heading “What Happens to Asylum Seekers While Their Application is Processed”, <https://www.americanimmigrationcouncil.org/research/asylum-united-states>

¹² <https://www.state.gov/reports/2023-trafficking-in-persons-report/united-states>

In recent years, border patrol agents have been temporarily reassigned to processing and releasing illegal immigrants into the country, leaving the border unmonitored,¹³ which is a cause for concern for some members of the public. The terrorist attacks that took place on September 11, 2001, were the result of complacency in enforcement of immigration policy, culminating in the establishment of ICE under the Department of Homeland Security. Witnesses expressed concern about the potential consequences that may result from the current lack of enforcement and oversight. If there is a rape or a murder, ICE will respond to requests for assistance. However, if it is organized retail theft, for example, and the damage is something like \$35,000 worth of merchandise stolen from a local business, ICE will not assist, even though this type of crime can devastate a community.

Witnesses also brought up current policies and practices involving the deportation by ICE of immigrants with children who are citizens of the United States. If this country focuses on deporting adults who are in the United States with their children, the country will end up with lots of kids without parents, and it will continue the cycle of parentless children.

4. VOTING

At least one witness testified that he went to the DMV in Creve Coeur to renew his driver's license, and he was asked if he would like to register to vote. He was concerned because this has never happened to him before. He expressed concern that the current administration in the White House is redirecting certain appropriations funds to "Get the Vote Out" and that there is not enough verification that a person being asked about registering to vote is in fact eligible to vote. This could allow individuals who are not U.S. citizens to inadvertently be registered to vote.

5. IMMIGRANTS' INFLUENCE ON THE ECONOMY

Today, only 4% of Missouri's population is foreign born. Accordingly, illegal immigration is not the most significant threat to the workforce in Missouri. The Mexican foreign-born population is in decline in the state, and the foreign-born population in St. Louis exceeds the U.S. born population when it comes to education, largely due to the Indian- and Chinese-born population. Immigrants produce the things people use in their homes, from the construction of the homes themselves to the products used in the homes. They fill essential roles across various industries, including agriculture, construction, health care, and technology. Illegal immigrants also pay taxes by applying for an Individual Taxpayer Identification Number (ITIN).¹⁴ In 2022, illegal immigrants paid \$96.7 billion in federal, state, and local taxes.¹⁵ In Missouri specifically, illegal immigrants contributed approximately \$113.7 million in taxes in 2022. These contributions are critical in supporting public services and infrastructure in Missouri, despite illegal immigrants'

¹³ <https://homeland.house.gov/2023/12/20/new-border-patrol-agents-stuck-processing-illegal-aliens-instead-of-performing-border-security-mission/#:~:text=These%20interviews%20confirm%20that%20significant,border%20between%20ports%20of%20entry.>

¹⁴ <https://www.nilc.org/resources/itinfo/>.

¹⁵ Institute on Taxation and Economic Policy, Tax Payments by Undocumented Immigrants, July 30, 2024, <https://itep.org/undocumented-immigrants-taxes-2024/>

inability to take advantage of some of the public benefits and services they are supporting, such as social security and Medicaid or Medicare. Additionally, their contribution to the state's annual revenue is approximately \$19 billion, and they sustain approximately 160,000 jobs across various sectors. This represents real businesses, real communities, and real economic stability that benefits all Missourians. St. Louis is experiencing workforce growth and is in the top 10% in job growth among all U.S. cities. On a national level, the benefits are profound. Nationally, the foreign-born workforce accounts for approximately \$55.2 billion and 500,000 jobs. Granting work authorization to illegal immigrants would increase their tax contributions by allowing them to earn a higher wage.

It is in the interest of the state to ensure immigrants have the opportunity to find employment when they arrive so they can become productive members of society and not engage in criminal enterprises due to lack of opportunity. One of the issues is that many immigrants come to the U.S. for the economic exchange (such as U.S. dollar to rupee), but these immigrants do not understand the complexity of living in the U.S.

6. ENGAGEMENT WITH IMMIGRANTS

Several witnesses expressed concerns that the name of the committee, and its formation in general, is seeking the resolution to a problem that does not exist, and it communicates the message to the communities in this state that immigrants are not welcome here. It also paints the picture that immigrants are criminals, but immigrants do not make the community less safe. According to a 2020 report by the CATO Institute, the violent crime conviction rate of illegal immigrants was 38% lower than U.S., native born citizens, and the property crime conviction rate was 74% lower than that of U.S., native born citizens. Most immigrants, regardless of status, are law-abiding citizens and have lower crime rates than U.S.-born citizens, though exact data has been difficult to come by, because research has previously grouped all immigrants together rather than separating out legal from illegal.¹⁷ The study determined that “undocumented immigrants are arrested at less than half the rate of native-born U.S. citizens for violent and drug crimes and a quarter the rate of native-born citizens for property crimes.”¹⁸ Moreover, the illegal immigrant population in Missouri is very low.¹⁹

Other witnesses agreed that the state welcomes immigrants, and they agreed that the state should continue being welcoming to immigrants, but it should welcome those who would want to contribute our society and help it flourish. Blue states that declare themselves sanctuary cities—cities that limit their cooperation with federal immigration authorities—and open their doors to hostiles and illegal immigrants are where these individuals will go and will stay out of Missouri. As of 2021, the states that have declared themselves sanctuary states are: California, Colorado, Connecticut, Illinois, Massachusetts, New Jersey, New Mexico, New York, Oregon, Vermont, and Washington.²⁰ The immigrants who stay here will help contribute to the economy.

¹⁷ A National Institute of Justice study examined data from the Texas Department of Public Safety from 2012-2018. <https://nij.ojp.gov/topics/articles/undocumented-immigrant-offending-rate-lower-us-born-citizen-rate>

¹⁸ It is unclear whether “arrested at less than half the rate” is the same as “commit less crime.”

¹⁹ According to the Migration Policy Institute, the “unauthorized population” in Missouri is estimated to be 50,000 people. <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/MO>

²⁰ <https://www.globalrefugee.org/news/what-are-sanctuary-cities-and-why-do-they-exist-lirs/>

Additionally, despite a common misconception, St. Louis and Kansas City are not sanctuary cities, though the City of St. Louis has previously introduced a resolution seeking to designate the city a sanctuary city,²¹ and Kansas City has worked with other states to welcome more immigrants to the city to fill labor shortages. If they were sanctuary cities, they would lose funding.²²

Many members of the community are doing their best to make immigrants feel welcome and like they can make a home in Missouri. For example, the archdiocese of St. Louis encompasses 11 counties, and churches hold Mass every Sunday in several languages, as a way to recognize the immigrant population. At the border, the Catholic charities do not give the migrants money, but they do provide them with necessities, such as a change of clothes and something to eat, a place to shower, and information about valuable resources in the state. The migrants cannot stay longer than 24 hours. Also, the Opioid Response Network²³ produces materials in 12 different languages, which is necessary for community engagement.

However, many citizens expressed concern that their tax dollars are being spent housing and caring for illegal immigrants, and they feel that they never consented to having their tax dollars used in such a way. A few witnesses said they would have liked to attend any hearing or meeting where it was decided that this is how dollars would be spent. At least one witness questioned whether it is the state funneling money to landlords, to incentivize them to house illegal immigrants. It cannot be through the Section 8 program, as that is a federal program that requires recipients to be U.S. citizens or have an eligible immigration status. Regarding federal benefits, there are limited public benefits to which illegal immigrants have access, including WIC, a special nutritional supplementation program for women, infants, and children; there are more benefits available to illegal immigrants who are victims of trafficking. Under Section 208.009, RSMo, illegal immigrants are prohibited from receiving any state or local benefit other than state or local benefits available under federal law.

The range of testimony provided in the various committee hearings indicated that, ultimately, there are good and bad people in all groups, and we need the ability to weed out the bad—hence the legal immigration process. There was a police officer killed in St. Louis and his murderer was a Honduran native. There have been heinous crimes committed in Joplin and Kansas City committed by Hondurans and Venezuelans. If the border had been closed and the construction of the wall continued, we would not have the question of “what if”.

²¹ Resolution Number 166 in the 2022-2023 term, <https://www.stlouis-mo.gov/government/city-laws/resolutions/resolution.cfm?rDetail=true&RSID=14040>

²² Mo. Rev. Stat. Section 67.307.

²³ <https://opioidresponsenetwork.org/about-us/>

ISSUES TO THINK ABOUT

The following issues were brought to the attention of the committee during witness testimony as ways to better use the state's resources or points to encourage the federal administration to consider.

1. The state should criminalize the use of cell phones or social media to commit crime, similar to how Arizona did in Arizona Revised Statute 13-3407(A).
2. The state should provide driver's licenses for all individuals living in the state; this would provide a way for the state to keep track of all the individuals who have entered the state.
3. The state should redirect some of the funds the Department of Public Safety receives to sheriffs' offices, so they have the same opportunities for training.
4. The legislature should increase funding for law enforcement, so the various departments have access to evolving technology for identifying a person and his or her immigration status. Increasing funding would also allow police departments to buy translation devices, which would be really helpful in ensuring individuals with whom officers have contact can understand their rights; this is necessary for the ever-increasing immigrant population.
5. The legislature should pass legislation to allow law enforcement the ability to hold someone whose identity is unknown more than 24 hours so the person can be identified – Senate Bill 5 from 2015 enacted section 479.360, which required municipalities to file with the state auditor their certification of substantial compliance with municipal court procedures, including "[d]efendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest." It would be helpful to allow municipalities to hold someone until the person can be identified.
6. The state should provide resources for individuals who are victimized, so they do not feel like the government and the police are against them.
7. Any law enforcement should have the ability to request the granting of a U-Visa to be withdrawn if it suspects fraud.
8. The state should focus funds on immigrant education, whether it is education for law enforcement about immigrants or education for immigrants about law enforcement.
9. The federal government should return the asylum process to what it was prior to 2021 so that those waiting for their applications to be processed are not released into the country with a hearing date many years into the future.

